THE CITY OF NEW YORK
LAW DEPARTMENT
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MICHAEL A. CARDOZO
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May 20, 2009

By Hand Delivery
Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hatcher v. City of New York, et. al., CV 08-3735 (DLI) (VVP)

Your Honor:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the above-referenced matter on behalf of defendants City of New York, Michael Noboa, and Charles Telford.[1] In that regard, I respectfully write on behalf of all parties to advise the Court that plaintiff has agreed to withdraw all claims with prejudice. Attached please find the Stipulation and Order of Withdrawal and Dismissal for the Court's endorsement and filing.

I thank the Court for its time and consideration of this request and its assistance throughout this litigation.

Respectfully submitted,

David M. Hazan (DH-8611)
Senior Counsel
Special Federal Litigation Division

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[1] This case has been assigned to Assistant Corporation Counsel Ezra Schulman, who is presently awaiting admission to the bar, and is handling this matter under supervision. Mr. Schulman may be reached directly at (212) 442-8600.

cc: **By Fax (718) 213-4160**
Andrew A. Rowe, Esq.
The Law Office of Andrew A. Rowe
25 Washington Street, Suite 303
Brooklyn, NY 11201

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT HATCHER,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICERS MICHAEL NOBOA, BENJAMIN LEE, SERGEANT CHARLES TELFORD, POLICE OFFICERS JOHN DOE NUMBERS 1-2, UNKNOWN AND INTENDED TO BE OTHER NEW YORK CITY POLICE DEPARTMENT OFFICERS INVOLVED IN THE OCCURRENCE HEREIN,

Defendants.

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STIPULATION AND ORDER OF WITHDRAWAL AND DISMISSAL

CV 08-3735 (DLI) (VVP)

WHEREAS, plaintiff commenced this action by filing a complaint on or about September 15, 2008 in the Eastern District of New York alleging violations of his federal and state rights; and

WHEREAS, at the time of the filing of this complaint, plaintiff was and continues to be represented by Andrew A. Rowe, Esq.;

WHEREAS, the City of New York, Michael Noboa, and Charles Telford are named defendants in this case; and

WHEREAS, plaintiff Robert Hatcher no longer wishes to pursue any claims against defendants City of New York, Michael Noboa, and Charles Telford;

WHEREAS, by Order dated April 17, 2009, this Court dismissed with prejudice all claims against defendants New York City Police Department and Benjamin Lee;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for plaintiff and defendants, as follows:

1. Any and all claims against the defendants City of New York, Michael Noboa, and Charles Telford are dismissed, with prejudice.
2. Any and all successors or assigns, present or former employees, representatives and agents of the City of New York, Michael Noboa, and Charles Telford are released and discharged from any and all liability, claims, or rights of action which were or could have been alleged by plaintiff arising out of the events alleged in the complaint in said action, including all claims for attorney's fees, expenses and costs.
3. The above action is withdrawn and discontinued, with prejudice, without attorney fees or costs to any party.

Dated: New York, New York
May 20, 2009

Andrew A. Rowe, Esq.
The Law Office of Andrew A. Rowe
Attorney for Plaintiff
25 Washington Street, Suite 303
Brooklyn, NY 11201
(212) 732-7412

By: ______________________
Andrew A. Rowe, Esq.

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Michael Noboa, and Charles Telford
100 Church Street, Room 3-186
New York, New York 10007
(212) 788-8084

By: David M. Hazan
David M. Hazan
Senior Counsel

SO ORDERED:

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Honorable Dora L. Irizarry
United States District Judge, E.D.N.Y.

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